

**COMMONWEALTH OF VIRGINIA**  
**Department of Environmental Quality**  
**Tidewater Regional Office**

**STATEMENT OF LEGAL AND FACTUAL BASIS**

STIHL Incorporated  
536 Viking Drive, Virginia Beach, Virginia  
**Permit No. TRO60995**

Title V of the 1990 Clean Air Act Amendments required each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. As required by 40 CFR Part 70 and 9 VAC 5 Chapter 80, STIHL Incorporated has applied for a Title V Operating Permit for its Virginia Beach facility. The Department has reviewed the application and has prepared a draft Title V Operating Permit.

Engineer/Permit Contact: \_\_\_\_\_ Date: May 27, 2008

Air Permit Manager: \_\_\_\_\_ Date: May 27, 2008

Regional Director: \_\_\_\_\_ Date: May 27, 2008

## **FACILITY INFORMATION**

### Permittee

STIHL Incorporated  
P.O. Box 2015  
536 Viking Drive  
Virginia Beach, Virginia 23452

### Facility

STIHL Incorporated  
536 Viking Drive  
Virginia Beach, Virginia

County-Plant Identification Number: 51-810-00044

## **SOURCE DESCRIPTION**

NAICS 333991 - This U.S. industry comprises establishments primarily engaged in manufacturing power-driven (e.g., battery, corded, pneumatic) handtools, such as drills, screwguns, circular saws, chain saws, staplers, and nailers.

NAICS 333112 - This U.S. industry comprises establishments primarily engaged in manufacturing powered lawnmowers, lawn and garden tractors, and other home lawn and garden equipment, such as tillers, shredders, yard vacuums, and leaf blowers.

The facility is a Title V major source of carbon monoxide. This source is located in an attainment area for all pollutants. The facility is permitted under a Minor NSR Permit issued on January 10, 2007.

## **COMPLIANCE STATUS**

A full compliance evaluation of this facility, including a site visit, has been conducted. In addition, all reports and other data required by permit conditions or regulations, which are submitted to DEQ, are evaluated for compliance. Based on these compliance evaluations, the facility has not been found to be in violation of any state or federal applicable requirements at this time.

## EMISSIONS UNITS

The emissions units at this facility consist of the following :

Emission Unit ID	Emission Unit Description	Size/Rated Capacity*	Applicable Permit Date
Test Cells	Test cells for engine testing	66,429 gallons/year of gasoline	January 10, 2007
M1295 M1296	Aqueous washers (degreasers)	2,400 gallons/year of cleaning solution (combined)	January 10, 2007
MS1	Mineral spirits for general cleaning	2,000 gallons per year	January 10, 2007
TP1	Tampo printing operation	2,147 pounds VOC/year for inks, hardeners, thinners (combined total) and 720 gallons/year of ethyl alcohol	January 10, 2007

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

## EMISSIONS INVENTORY

Emissions for calendar year 2007 are summarized in the following table:

	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	NO <sub>x</sub>
Total (tons/yr)	6.0	70.7	0.1	0.1	1.8

## **EMISSION UNIT APPLICABLE REQUIREMENTS**

### **Limitations/Requirements**

The applicable requirements included in the Title V operating permit are based on the requirements in the January 10, 2007 New Source Review permit for the facility. A copy of the permit is attached to this Statement of Legal and Factual Basis.

### **Monitoring**

The New Source Review permit issued on January 10, 2007, did not contain specific monitoring requirements for opacity. Monitoring for opacity has been included in the Title V permit. Monthly visual evaluations, and corrective action if necessary, are required, with corresponding recordkeeping requirements.

### **Recordkeeping**

The permit includes requirements for maintaining records of all monitoring and testing required by the permit. These records include fuel throughput, gasoline to lubricant ratios, cleaning solution throughput, mineral spirits throughput, combined throughput (inks, hardeners, thinners), ethyl alcohol throughput, Material Safety Data Sheets, visual evaluations/corrective actions/visual emissions evaluations, scheduled/unscheduled maintenance, and operator training.

### **Testing**

The permit does not require source tests. The Department and EPA have authority to require testing not included in the permit if necessary to determine compliance with an emission limit or standard.

### **Reporting**

The permit does not contain specific reporting requirements. The general conditions include general reporting requirements.

### **Streamlined Requirements**

The initial notification requirements in the NSR permit have not been carried forward to the Title V permit; these requirements have been met.

## **GENERAL CONDITIONS**

The permit contains general conditions required by 40 CFR Part 70 and 9 VAC 5-80-110 that apply to all Federal-operating permitted sources. These include requirements for submitting semi-annual monitoring reports and an annual compliance certification report. The permit also requires notification of deviations from permit requirements or any excess emissions.

### **Comments on General Conditions**

#### Condition B. Permit Expiration

This condition refers to the Board taking action on a permit application. The Board is the State Air Pollution Control Board. The authority to take action on permit application(s) has been delegated to the Regions as allowed by §2.1-20.01:2 and §10.1-1185 of the *Code of Virginia*, and the “Department of Environmental Quality Agency Policy Statement No. 2-2003”.

#### Condition F. Failure/Malfunction Reporting

Section 9 VAC 5-20-180 requires malfunction and excess emission reporting within four hours of discovery. Section 9 VAC 5-80-250 of the Title V regulations also requires malfunction reporting; however, reporting is required within two days. Section 9 VAC 5-20-180 is from the general regulations. All affected facilities are subject to section 9 VAC 5-20-180 including Title V facilities. Section 9 VAC 5-80-250 is from the Title V regulations. Title V facilities are subject to both sections. A facility may make a single report that meets the requirements of 9 VAC 5-20-180 and 9 VAC 5-80-250. The report must be made within four daytime business hours of discovery of the malfunction.

#### Condition J. Permit Modification

This general condition cites the sections that follow:

9 VAC 5-80-50. Applicability, Federal Operating Permit For Stationary Sources

9 VAC 5-80-190. Changes to Permits

9 VAC 5-80-260. Enforcement

9 VAC 5-80-1100. Applicability, Permits For New and Modified Stationary Sources

9 VAC 5-80-1790. Applicability, Permits For Major Stationary Sources and Modifications Located in Prevention of Significant Deterioration Areas

9 VAC 5-80-2000. Applicability, Permits for Major Stationary Sources and Major Modifications Locating in Nonattainment Areas

#### Condition U. Malfunction as an Affirmative Defense

The regulations contain two reporting requirements for malfunctions that coincide. The reporting requirements are listed in sections 9 VAC 5-80-250 and 9 VAC 5-20-180. The malfunction requirements are listed in General Condition U and General Condition F. For further explanation see the comments on general condition F.

#### Condition Y. Asbestos Requirements

The Virginia Department of Labor and Industry under Section 40.1-51.20 of the Code of Virginia also holds authority to enforce 40 CFR 61 Subpart M, National Emission Standards for Asbestos.

## STATE ONLY APPLICABLE REQUIREMENTS

The following Virginia Administrative Codes have specific requirements only enforceable by the State:

- 9 VAC 5, Chapter 50, Article 2 – Odorous Sources
- 9 VAC 5, Chapter 60, Article 5 – Toxic Pollutants from New and Modified Sources

## FUTURE APPLICABLE REQUIREMENTS

There are no future applicable requirements for this facility.

## INAPPLICABLE REQUIREMENTS

The following inapplicable requirements have been identified:

Citation	Title of Citation	Description of Inapplicability
40 CFR 60 Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	The stationary diesel generator (350 Kw) and the diesel fire pump (85 HP) were installed prior to the applicability date of the regulation. The portable diesel-fired standby units meet the definition of nonroad under 40 CFR 1068.30 and are not considered a stationary source.
40 CFR 60 Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines	The portable gasoline fired standby units meet the definition of nonroad under 40 CFR 1068.30 are not considered a stationary source.

The startup, shut down, and malfunction opacity exclusion listed in 9 VAC 5-40-20 A 3 cannot be included in any Title V permit. This portion of the regulation is not part of the federally approved state implementation plan. The opacity standard applies to existing sources at all times including startup, shutdown, and malfunction.

Opacity exceedances during malfunction can be affirmatively defended provided all requirements of the affirmative defense section of this permit are met. Opacity exceedances during startup and shut down will be reviewed with enforcement discretion using the requirements of 9 VAC 5-40-20 E, which state that "At all times, including periods of startup, shutdown, soot blowing and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions."

## COMPLIANCE PLAN

There is no compliance plan required for this facility.

## INSIGNIFICANT EMISSION UNITS

The insignificant emission units are presumed to be in compliance with all requirements of the Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity 9 VAC 5-80-720 C)
Brazing furnace (natural gas and hydrogen)	9 VAC 5-80-720 C	N/A	0.18 mmBtu/hr
Brazing furnace (electric)	9 VAC 5-80-720 B	NO <sub>x</sub> , CO	N/A
Natural gas/propane heat treating furnaces	9 VAC 5-80-720 C	N/A	118 – 600 cubic feet/hour
Natural gas-fired boiler	9 VAC 5-80-720 C	N/A	5.055 mmBtu/hr
Natural gas-fired hot water heaters	9 VAC 5-80-720 C	N/A	0.33 mmBtu/hr
Gasoline storage tank (horizontal, fixed roof)	9 VAC 5-80-720 B	VOC	1,000 gallons
Gasoline storage tank (horizontal, fixed roof)	9 VAC 5-80-720 B	VOC	12,000 gallons
Gasoline loading rack	9 VAC 5-80-720 B	VOC	N/A
Ink-jet printer	9 VAC 5-80-720 B	VOC	N/A
Durr closed-loop degreaser	9 VAC 5-80-720 B	VOC	N/A
Emergency diesel generator	9 VAC 5-80-720 C	N/A	350 kW
Portable diesel generator	9 VAC 5-80-720 C	N/A	20 kW
Portable diesel generator	9 VAC 5-80-720 B	NO <sub>x</sub> , SO <sub>2</sub> , CO, PM, PM10, VOC	50.4 kW
Diesel fire pump	9 VAC 5-80-720 B	NO <sub>x</sub> , SO <sub>2</sub> , CO, PM, PM10, VOC	85 HP
Portable water pump (gasoline)	9 VAC 5-80-720 B	NO <sub>x</sub> , SO <sub>2</sub> , CO, PM, PM10, VOC	5.5 HP
Natural gas-fired pyrolysis furnace	9 VAC 5-80-720 C.2.a	VOC	0.325 mmBtu/hr

The citation criteria for insignificant activities are as follows:

9 VAC 5-80-720 A - Listed Insignificant Activity, Not Included in Permit Application

9 VAC 5-80-720 B - Insignificant due to emission levels

9 VAC 5-80-720 C - Insignificant due to size or production rate

## CONFIDENTIAL INFORMATION

All sections of the application and permit are suitable for viewing by the public. The source has not claimed confidentiality for any information.

## **PUBLIC PARTICIPATION**

The proposed permit will be placed on public notice in The Virginian-Pilot from April 8, 2008 to May 8, 2008.